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HEWLETT-PACKARD COMPANY
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EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2162

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,727

Applicant(s)

LYONS, MARTHA L.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This office action is in response to the request for consideration filed on September 28, 2004, in which claims 1-20 are pending for further examination.

Response to Arguments

2. Applicant's arguments filed September 28, 2004 have been fully considered but they are not persuasive. (See examiner's remark section).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang US Patent application Publication no. US/2002/0046041 in view of Coueignoux US Patent no. 6,092,197.

As to claim 1, Lang discloses an automated system for providing reputation and trust information ([0002]). In particular, Lang discloses the claimed limitation "a database for storing said reputation information" as a database (36) that holds reputation information in which a client seeks to access from the reputation service (see fig.2); "security measures for verifying identities of at least one of said user and a plurality of community organizations" in order to gain access to

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services provided by the server 46 and server 32, users 44 have to connect to the network 42 (fig.2); wherein in fig.7, requester is required to provide the user ID and password; and “a communication system for receiving said reputation information and transmitting said reputation information to said plurality of community organizations” communication 42 receives a response in response to a request. However Lang does not explicitly disclose the use of transmitting a reputation information in responsive to an authorization received by said user.

On the other hand, Coueignoux discloses a system for exploiting information such as confidential information from a user while securing the information from unauthorized publication. In particular, Coueignoux discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” as a means for transmitting the confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63).

Schuba (patent application publication no. US 2002/003261 A1) is not part of the rejection can be used, discloses a system for authorization of transaction, wherein user equipment receives an authorization request with an identifier of a transaction and replies to the request with an authorization response. In particular, Schuba (patent application publication no. US 2002/003261 A1) discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” as a means for transmitting the message information in response to authorization by the user ([0021]) or an authorization from the user ([0052]). Lambert, patent no. 6,572,014, is also not part of the rejection and can be used, discloses a system for providing a computer for detecting a user action and for converting the user input into a data first stream. In

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particular, Lambert, patent no. 6,572,014, also discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” as a means for transmitting information data in a response or an authorization by the user (col.15, lines 2-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang’s fig.2, item 44) would incorporate the use of “transmitting a reputation information in responsive to an authorization received by said user” in the same conventional manner as disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated to utilize such a combination in order to enhance security, thereby ensuring that the response is authorized or signed by the user.

As to claim 2, Lang discloses the claimed “information related to activities of said user”([0031]-[0035]; “information related to qualification of said user” ([0031]-[0035]); and “information related to reliability of said user” ([0031]-[0035]).

As to claim 3, Lang discloses the claimed “a certification engine for authenticity of said transmitted reputation information”([0042]-[0043]).

As to claim 4, Lang discloses the claimed limitations “a reputation information classifier for grouping pieces of said reputation information into predetermined categories related to activities

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conducted with said plurality of communication organizations”([0031]; [0032]; [0034] and [0038]-[0039]).

As to claim 5, Lang discloses the claimed limitation “wherein said plurality of community organizations received said reputation information in categories related to said activities conducted on said plurality of community organizations”([0031]-[0035]; and [0039]).

As to claim 6, Lang discloses the claimed “wherein said user authorization is provided by said user to said plurality of community organization for receiving said reputation information from said reputation authority”([0035]; [0042]; [0043]).

As to claim 7, Lang discloses the claimed “wherein said user authorizes said reputation authority to transmit said reputation to said plurality of community organizations”([0041]-[0043]).

As to claim 8, Lang discloses the claimed “wherein at least one of said user and said plurality of community organizations subscribes to said reputation authority in order to participate in said electronically storing reputation information”([0031]-[0035]; [0044]-[0045] and [0050]-[0052]).

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As to claim 9, Lang discloses the claimed “verifying an identity of one of an associated user and an accessing third party responsive to a request to access said centralized repository” as a means determining whether the requester is authorized to access the requested information, wherein if the reputation information is particularly sensitive, only selected parties may be able to access this information, and wherein the authorization may require that the requesting that the requester provide the user ID and password in some instance, in order to ensure the information reaches the appropriate party and is only modifiable by the appropriate requesting party ([0007], [0041]-[0043]; fig.2; and fig.7); “receiving said identity attributes from at least one of said verified associated user and said verified accessing third party”([0043]; fig.2; and fig.7); “storing said identity attribute in a database indexed according to said verified associated user” ([[0025]-0030]; fig.2; and fig.7) and “delivering at least one set of said identity attributes to said verified third party” as a means for providing selected parties to be able to access the reputation information, and where the authorization may require that the requester provide the user ID and password in some instance, in order to ensure the information reaches the appropriate party and is only modifiable by the appropriate requesting party ([0007], [0025]-0030]; [0042]-[0043]; fig.2; and fig.7). Applicant should duly note that Lang discloses a name field to identify the name of the party as well as an identification that uniquely identifies the party amongst the parties for which reputation data is held by the reputation service, the third party is, therefore, incorporated. However Lang does not explicitly disclose the use of transmitting a reputation information in responsive to an authorization received from said verified associated user.

On the other hand, Coueignoux discloses a system for exploiting information such as confidential information from a user while securing the information from unauthorized

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publication. In particular, Coueignoux discloses the use of “transmitting a reputation information in responsive to an authorization received from said verified associated user” as a means for transmitting the confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63).

Schuba (patent application publication no. US 2002/003261 A1) is not part of the rejection can be used, discloses a system for authorization of transaction, wherein user equipment receives an authorization request with an identifier of a transaction and replies to the request with an authorization response. In particular, Schuba (patent application publication no. US 2002/003261 A1) discloses the use of “transmitting a reputation information in responsive to an authorization received from said verified associated user” as a means for transmitting the message information in response to authorization by the user ([0021]) or an authorization from the user ([0052]). Lambert, patent no. 6,572,014, is also not part of the rejection and can be used, discloses a system for providing a computer for detecting a user action and for converting the user input into a data first stream. In particular, Lambert, patent no. 6,572,014, also discloses the use of “transmitting a reputation information in responsive to an authorization received from said verified associated user” as a means for transmitting information data in a response or an authorization by the user (col.15, lines 2-6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang’s fig.2, item 44) would incorporate the use of “transmitting a reputation information in responsive to an authorization received from said verified associated user” in the same conventional manner as disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated

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to utilize such a combination in order to enhance security, thereby ensuring that the response is authorized or signed by the user.

As to claim 10, Lang discloses the claimed “categorizing said identity attribute into sets related to activities of said accessing third party”[0037]-[0039].

As to claim 11, Lang discloses the claimed “wherein said at least one set comprises said sets related to activities of said accessing third party”[0032]-[0039].

As to claim 12, Lang discloses the claimed “processing a request for said at least one set of identity attributes from said accessing third party, wherein said associated user provides said authorization to said accessing third party”[0042]-[0043].

As to claim 13, Lang discloses the claimed “updating said stored identity attributes from at least one of said associated user and said accessing third party” (fig.2) and “certifying said at least one set of said identity attributes”([0047]; fig.2 and fig.10).

As to claim 14, Lang discloses the claimed “registering at least at least one of said associated user and said accessing third party with said centralized repository of identity attributes for receiving prior to said verifying step”([0042], fig.2).

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As to claim 15, Lang discloses the claimed “means for verifying an identity of one of a plurality of users and a plurality of participating user community responsive to a request to access said clearinghouse”([0041]-[0042], fig.2); “means for storing reliability data from one of said verified plurality of users and said verified plurality of participating user community”([0029]-[0035]; [0043]; fig.2); “means for associating said stored reliability data with an associated user”([0030]; [0031]; [0043] and fig.2); and “means releasing selected reliability data to one of said verified plurality of participating user community” as a means for providing selected parties to be able to access the reputation information, and where the authorization may require that the requester provide the user ID and password in some instance, in order to ensure the information reaches the appropriate party and is only modifiable by the appropriate requesting party ([0007], [0025]-0030]; [0042]-[0043]; fig.2). Applicant should duly note that Lang discloses a name field to identify the name of the party as well as an identification that uniquely identifies the party amongst the parties for which reputation data is held by the reputation service, the third party is, therefore, incorporated. However Lang does not explicitly disclose the use of transmitting a reputation information in responsive to consent giving by said associated user.

On the other hand, Coueignoux discloses a system for exploiting information such as confidential information from a user while securing the information from unauthorized publication. In particular, Coueignoux discloses the use of “responsive to consent giving by said associated user” as a means for transmitting the confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63).

Schuba (patent application publication no. US 2002/003261 A1) is not part of the rejection can be used, discloses a system for authorization of transaction, wherein user equipment

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receives an authorization request with an identifier of a transaction and replies to the request with an authorization response. In particular, Schuba (patent application publication no. US 2002/003261 A1) discloses the use of “transmitting a reputation information in responsive to consent giving by said associated user” as a means for transmitting the message information in response to authorization by the user ([0021]) or an authorization from the user ([0052]). Lambert, patent no. 6,572,014, is also not part of the rejection and can be used, discloses a system for providing a computer for detecting a user action and for converting the user input into a data first stream. In particular, Lambert, patent no. 6,572,014, also discloses the use of “transmitting a reputation information in responsive to consent giving by said associated user” as a means for transmitting information data in a response or an authorization by the user (col.15, lines 2-6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang’s fig.2, item 44) would incorporate the use of “transmitting a reputation information in responsive to consent giving by said associated user” in the same conventional manner as disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated to utilize such a combination in order to enhance security, thereby ensuring that the response is authorized or signed by the user.

As to claim 16, Lang discloses the claimed “means for updating said stored reliability data from at least one of said plurality of users and said plurality of participating user communities” ([0023], [0047]; fig.2).

As to claim 17, Lang discloses the claimed “means for classifying said reliability data into groups related to activities of said plurality of participating user communities”([0031]-[0039]; fig.2).

As to claim 18, Lang discloses the claimed “wherein said selected reliability data comprises said groups related to activities of said plurality of participating user communities”([0031]-[0039]; fig.2).

As to claim 19, Lang discloses the claimed “means for processing request for said selected reliability data from said plurality of participating user communities, wherein said verified one of said plurality of users provides said consent to said plurality of participating user communities”([0042]-[0044]; fig.2).

As to claim 20, Lang discloses the claimed “means for processing a request to deliver said selected reliability data from said verified one of said plurality of users, wherein said verified one of said plurality of users provides said consent to said reputation management clearinghouse” ([0043]-[0046]; fig.2).

Remark

(A). Applicants asserted that the examiner has failed to establish a prima facie case of obviousness under 35 U.S.C 103 by not showing some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art; a reasonable expectation of success; and the combined prior art references teach or suggest all the claim limitations. The examiner disagrees with the precedent assertion. It is important, Applicants are interpreting the claims very narrow without considering the broad teachings of the reference used in the rejection. In the last office action, the examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between applicants' claims phrases and prior art. By failing to address these correspondences, Applicants have failed to rebut the examiner's prima facie case of obviousness uses for a different purpose which does not alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference.

(i). No Proper Motivation to Combine (page 7).

Applicants cite numerous court decisions in supporting their allegation with to no proper motivation to combine. In response to Applicants' arguments that there is no appropriate motivation to combine Lang and Coueignoux and also stated (page 6) that in order for the references to be combined in that references must explicitly teach or suggest the combination as well as the potential benefit which may be derived from such a combination, the examiner respectfully submits that Applicant misinterprets the references used in the rejection. The Court, In re Fritch, stated "the examiner can satisfy the above mentioned assertion only by showing some objective teaching in the prior art or that knowledge generally available to one

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of ordinary skill in the art would lead that individual to combine the relevant teachings of the references". In re fine, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (Citing In re Lalu, 747, F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988). Each applied reference does not expressly suggest combination with the other respective references. The motivation referred to In re Fritch involves extensive changes to the primary references.

Applicants are reminded that the test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. Furthermore, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya USPQ 607 (CCPA 1975). On the other hand, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. The examiner respectfully submits that one having ordinary skill in the art would have found it obvious to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang's fig.2, item 44) would incorporate the use of "transmitting a reputation information in responsive to an authorization received from said verified associated user" in the same conventional manner as disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated to utilize such a combination for the purpose of enhancing security, thereby

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ensuring that the response is authorized or signed by the user. Therefor, the combination of the references is proper and the rejection maintained.

(ii). Combined Element from Coueignoux fails to support Examiner's Stated motivation (page 8).

In response to the Applicants' arguments that the examiner stated motivation is not supported or suggested by the teaching in either Lang or Coueignoux, the examiner disagrees with the precedent assertion. It is respectfully submitted that an explanation based on logic and sound scientific reasoning of one ordinarily skilled in the art at the time the invention that support a holding of obviousness has been adequately provided by the motivations given by the examiner in the prior office action. Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter., 4/22/93), specially every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. Applicants are reminded that the test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. Furthermore, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya USPQ 607 (CCPA 1975).

(iii). Coueignoux is Nonanalogous to the claimed Invention.

In response to applicant's argument that Coueignoux is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in

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order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The aforementioned assertions, wherein the Coueignoux reference is not within the same endeavor as the claimed invention, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. It is respectfully submitted that Coueignoux discloses a system for exploiting information such as confidential information from a user while securing the information from unauthorized publication and transmitting such a confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63), similarly to the claimed “transmitting a reputation information in responsive to an authorization received from said verified associated user”.

(iv). As per Applicants’ arguments that all claim limitations be taught or suggested by the prior art, Applicants appear to misinterpret the guidance given under MPEP 2142. In particular, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

There are numerous court decisions supporting the position given above. The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1596, 1598 (Fed. Cir. 1988) (Citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined *In re Lamberti et al.*, 192 USPQ 278 (CCPA) that:

(a) obviousness does not require absolute predictability;

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- (b) non-preferred embodiments of prior art must also be considered; and
 - (c) the question is not express teaching of references, but what they would suggest.
- (B). According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement, that which is disclosed therein.

Moreover, Schuba and Lambert references were mentioned in the rejection but were not considered part of the rejection. On the other hand, Schuba and Lambert, when considered as a whole to one of ordinary skill in the art, make obvious the invention as claimed.

Furthermore, the skilled artisan would not consider the prior art embodiments in a vacuum, but would have had the motivation to combine the advantageous features of the prior art in the manner purported by the examiner for the reasons and motivations given above as well as in the prior office action. Thus the combined teachings of Lang and Coueignoux when considered as a whole to one of ordinary skill in the art make obvious that Applicants dispute.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to

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37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on Monday - Friday (8:00am - 7:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

January 12, 2005